IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.136 OF 2005

Shri Ramchandra Nagoji Patil ...Petitioner

Versus

Shri.R.R.Aatugade & Ors. ...Respondents

.....

Mr.U.B.Nighot for Petitioner.

Mr.Mandar Goswami for Respondents 1 to 3.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 14, 2006.

P.C.

1. Heard Counsel for the parties. Perused the affidavit filed by the Officer of the Respondent No.1.

2. The grievance in this Petition is about non-compliance of two directions issued by the Division Bench of this Court in order dated 31st August 2004. The first direction is contained in Para 6 of the order requiring payment of natural dues including pension and gratuity to the Petitioner. There is no dispute that this

direction is complied with.

3. The other direction is contained in Para 7 of the order, wherein, it is provided that the Chief Officer of Zilla Parishad, Kolhapur to consider the case of the Petitioner for the aforesaid claim of difference of the salary and wages for the period of suspension till resumption on duty between 14th March 1998 to 30th March 2000 including the rise under the Fifth Pay Commission. In the reply affidavit, in Para 14, the break-up of the amount which has been paid to the Petitioner has been reproduced. There is no reason to doubt the correctness of the statement made on affidavit by the Block Education Officer. However, to reassure myself, the Respondents who were present in Court, were called upon to produce the order passed by the Chief Officer of Zilla Parishad requiring him to consider the case of the Petitioner regarding claim of difference of his salary and wages for the period between suspension to resumption of duty. Copy of the order dated 17th December 2004 has been produced from the office record, which clearly indicates that the direction contained in Para 7 of the order of the

Division Bench of this Court has been complied with in toto. The grievance of the Petitioner that he is not informed about this order is also bellied by the endorsement appearing in the office file on the same order that the copy of the order dated 17th December 2004 has been served on the Petitioner on 20th December 2004.

4. Viewed thus, there is no material to initiate contempt action against the Respondents in the fact situation of the present case. If the Petitioner is aggrieved by the order dated 17th December 2004, the Petitioner ought to have taken the matter further as may be permitted by law. Hence, this Petition is dismissed. Notices issued to Respondents stand discharged.

A.M.KHANWILKAR, J.